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1 being a part of a 90 to 95 percent voter turnout, and
2 I -- I -- every time there's an election, I know
3 there's -- much go by with accusations of voter fraud
4 and all. I don't -- I haven't seen that in Texas in
5 terms of the voter fraud issue or problems.

6 How is it in Cameron County? What can you
7 tell us about voter fraud or accusations or -- or anyone
8 that might have filed a complaint on voter fraud?

9 MR. SANCHEZ: Senator, at this time I'm
10 not even aware of any complaints being filed regarding
11 voter fraud, which I would presume that if -- if the
12 judges and workers are quite worried about this, then
13 they would be at least contacting their local
14 administrator and trying to do something to --

15 SENATOR LUCIO: And both parties are well
16 represented at the polls, so, I mean, I know that for a
17 fact, but you should know it better than I do because
18 you are involved in that directly; is that correct?

19 MR. SANCHEZ: That's correct. That's
20 correct.

21 SENATOR LUCIO: Thank you, Mr. Chairman.

22 SENATOR FRASER: Mr. Chairman?

23 CHAIRMAN DUNCAN: Senator Fraser?

24 SENATOR FRASER: Clarify a point since
25 we're talking about Mexico and a neighboring country,



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1 their voter turnout is much higher generally than ours.
2 And my -- I should say is they have ID? That was one of
3 the countries that was given that has photo IDs is
4 Mexico.

5 SENATOR LUCIO: But -- but -- they --
6 everyone -- everyone has -- Along the way they're given
7 a card, a national -- yeah, a national type card ID
8 card, and we don't do that.

9 SENATOR FRASER: Well, they -- they have a
10 card that shows their ID and their turnout is high, so
11 they're -- they're not suppressing their vote because
12 they have to show their ID.

13 SENATOR LUCIO: I think though -- I think
14 that the reason for the voter -- high voter turnout in
15 Mexico is that they live with a lot of faith that their
16 government can some day respond to the wishes of the
17 general public, which, unfortunately, I happen to agree
18 with so many that they don't.

19 CHAIRMAN DUNCAN: Where does that faith
20 come from?

21 SENATOR LUCIO: That's where they -- why
22 they migrate to Texas and America.

23 CHAIRMAN DUNCAN: Hey, let me ask a
24 question of Mr. Sanchez. What is the -- Does the
25 Democratic party platform have a -- does it address the



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1 issue of voter ID?

2 MR. SANCHEZ: I'm sure it does. I cannot
3 give you the specifics.

4 CHAIRMAN DUNCAN: Would you be -- What
5 would be that position?

6 MR. SANCHEZ: As I said -- just said, I
7 couldn't give it to you because I'm not completely aware
8 of that. I wouldn't want to misrepresent --

9 CHAIRMAN DUNCAN: You don't read your
10 platform?

11 SENATOR VAN DE PUTTE: Mr. Chairman, I
12 don't think -- and I'm familiar with the platform. I
13 don't think the Democratic party has decided that --

14 CHAIRMAN DUNCAN: One way or the other?

15 SENATOR VAN DE PUTTE: -- voter
16 impersonation is a problem, so I don't know that the
17 parties have addressed it.

18 CHAIRMAN DUNCAN: Well, and often the
19 platforms will take a position to oppose something as
20 well. I don't know if you all have done that or not. I
21 know our -- the times I've read it, ours does that, but
22 I don't know -- I don't know if the Democratic -- I'll
23 have to admit I have not read the Democratic party
24 platform. All right. Helen Carvell?

25 MS. CARVELL: Yes. My name is Helen



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1 Carvell, and I'm representing myself here, and I have
2 worked the elections here. I have been the judge, and
3 I've also been a voter registrar, and I've lived in
4 Mexico, Belgium and Brazil. And I'm not a hundred
5 percent sure about Mexico, but I can tell you in Belgium
6 and Brazil, the voter turnout is very high because they
7 get fined if they don't vote. The obligation is on the
8 voter. So the voter who cannot prove where they are on
9 voter day has to have sent in a mail ballot. So I think
10 we're using information to prove something it doesn't
11 prove, and I think it's also that way in Mexico, and I'd
12 be happy to investigate that for you.

13 My own experience as a judge is that the
14 voters are already nervous about providing us with
15 documentation. The -- the voter registration -- The
16 election committee has sent up a list of people who can
17 vote and their addresses. Those people sign. It would
18 be simple if you were very concerned about this to do a
19 retrospective study, just randomly check signatures over
20 a period of time, and the previous argument is Karl
21 Duncan is voting for Robert Duncan. When Robert shows
22 up and sees his signature's already been filed, if there
23 were impersonation, it would seem that that's a
24 fail-safe method, that that would happen at least once
25 in the State of Texas if voter impersonation were going



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1 on over a long period of time.

2 I think just the notice that this might
3 happen is going to create reluctance to vote on some
4 people. My husband's incredibly well educated, yet he
5 would worry that he didn't have the right form to go
6 vote. He wouldn't want to be embarrassed that way, and
7 he surely wouldn't want to stand in line for an hour and
8 then find out he couldn't vote. That would discourage
9 him very much. I can't imagine what it's going to do in
10 the precincts here where we have 19 percent voter
11 turnout. As a county, Travis may have 40 percent, but I
12 think that the minority communities the turnout is much
13 lower. We would just be -- We would just be adding
14 another burden to that populous.

15 And I'd like to reiterate when I came here
16 today my concern was that we the people, Joe Blow and
17 his sister Sue out there, we are concerned about the
18 integrity of the vote, but what we're concerned about
19 are the voting machines. We're concerned about the role
20 of money in politics. We're worried about campaign
21 finance reform. We aren't worried about the little guy.
22 We wish he cared enough to vote fraudulently. We don't
23 think he does. I think it's, as someone previously
24 stated, a problem -- a solution in search of a problem.

25 And my other big concern coming here today



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1 is the budget, and I'd like to reiterate what Senator
2 Van De Putte said. We have to justify -- You will have
3 to justify to the voters spending 1.5 million on a
4 nonexistent problem, and I really thank you for your
5 giving me the opportunity to speak today.

6 CHAIRMAN DUNCAN: Thank you, Ms. Carvell
7 any questions for Ms. Carvell? Appreciate you being
8 here and waiting. Carolyn Galloway?

9 MS. GALLOWAY: Mr. Chairman, my name is
10 Carolyn Galloway, and I'm here to testify on behalf of
11 House Bill 218 for Texas Eagle Forum. As a former
12 member of the Texas House, I can appreciate the time
13 that you spend trying make good laws for our state, and
14 I think this is a good law for our state. Since we
15 already have to show government issued ID to board a
16 plane, in our Federal building or even cashing checks
17 why not make this a requirement to ensure that our
18 voters are legal voters.

19 Honest elections are not a bipartisan
20 issue. After all, the bipartisan commission headed by
21 Jimmy Carter and James Baker studied the election
22 reform, and they concluded and issued a recommendation
23 in 2005 that voters be required to show voter ID, that
24 this is a bipartisan commission. The Arizona photo ID
25 requirement was part of Proposition 200 which was a



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1 state-wide referendum that passed a couple of years ago
2 by 56 percent of the voters, and that law held -- was
3 upheld by a Federal district judge in September of 2006,
4 but then on October 5th, it was overruled and -- by the
5 Ninth Circuit, and so they issued an injunction against
6 Arizona enforcing it. That decision was vacated by the
7 United States Supreme Court so that Arizona law does
8 remain in effect.

9 And most recently, on January 4th, 2007, a
10 three-judge panel from the US Court of Appeals for the
11 Seventh Circuit upheld Indiana's law requiring voters to
12 show photo IDs in each election. Indiana's law is
13 similar to Arizona's in its flexibility. Voters without
14 IDs can get free IDs from the Bureau of Motor Vehicles,
15 and they can cast provisional ballots until they can
16 prove their identity.

17 Voting is one of the most precious
18 privileges we have in our country. There are people
19 from all over the world, as Senator Lucio mentioned, who
20 envy our system and would not consider it an
21 inconvenience to show some form of identification in
22 order to vote and have it count. In fact, they're
23 willing to wait long hours in line, and that is why you
24 must keep the integrity of our vote. Thank you.

25 CHAIRMAN DUNCAN: Thank you, Ms. Galloway.



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1 Are there any questions for Ms. Galloway? Appreciate
2 it.

3 SENATOR FRASER: I'd like to thank the
4 Honorable Carolyn Galloway for being here and your
5 service to the state.

6 CHAIRMAN DUNCAN: Members, any other
7 questions? Thank you very much. The following panel,
8 Buck Woods, George Korbel and Luis Figueroa -- Figueroa.
9 I'm sorry. I'll be corrected, I'm sure. Mr. Figueroa.
10 Okay. Let's go ahead and begin. Mr. Woods?

11 MR. WOODS: Yes. My name is Buck Woods.
12 I was at one time director of elections for the
13 Secretary of state's office. Since that time I've spent
14 30 plus years practicing law and monitoring elections,
15 regulating elections, participating in elections and
16 filing and trying election contests, and I don't know
17 how many election contests I've tried or been involved
18 in, but I'm sure it's at least 50 over the 30 years.

19 This bill is based on a false premise, and
20 you shouldn't do that. We would never take up a bill to
21 regulate some industry or do something, take an
22 industry, without having some solid proof that that
23 regulation's needed. I have been doing these election
24 contests for all these years. I have found thousands of
25 illegal voters, persons who were not eligible to vote.



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1 In that 30-year period of time, more than 30 years, I
2 have never found a noncitizen who voted in an election
3 and I look. I have sometimes as many as 50 people
4 looking for me.

5 During the Rodriguez/Cuellar election
6 contest, I found hundreds of people who were not
7 eligible to vote. Not a one of them -- Not a one of
8 them had anything to do with what this bill addresses.
9 I've been told that the Heflin vote contest in the house
10 4 years ago, they found a person who was supposedly a
11 Norwegian and had voted. If that is true, in my entire
12 career of monitoring elections and working in them and
13 investigating them and taking depositions and doing the
14 kind of work that I've heard other people say, well,
15 they can't do, well, you can do it and I have done it.
16 I have never found a single voter that would fit -- that
17 this bill would somehow trap or catch.

18 Now, I do know what this bill will do. It
19 will create long lines. It will create thousands of
20 provisional voters. And, members of the committee, do
21 you know what happens to provisional voters? It almost
22 never gets counted because if a race is not close enough
23 for it to have an impact on a race, the provisional
24 votes are never counted, so all these thousands of
25 people that are going to turn up at the polling place



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1 and vote a provisional ballot after creating long lines,
2 they're never going to have their vote counted.

3 And I hear all this stuff about we need to
4 have to confidence in our elections so people will turn
5 up and vote. How would you feel if you knew your vote
6 was never going to be counted? This is not just a
7 problem in search of a solution or a solution in search
8 of a problem. It's this problem just simply doesn't
9 exist. I have never seen this situation before, and I
10 don't think anybody else has either.

11 CHAIRMAN DUNCAN: Thank you, Mr. Woods.
12 Any questions? Mr. Figueroa?

13 MR. FIGUEROA: Thank you, Chairman. I'm
14 sorry. I was in another meeting, but I wanted to thank
15 you for this opportunity to testify. My name is Luis
16 Figueroa, legislative staff attorney from MALDEF, and we
17 are opposing HB 218.

18 What we ask the committee to do is to do a
19 cost benefit analysis. Look at the benefits of a
20 potential problem for the issue that supposedly exists
21 and look at the costs involved, and so we start off with
22 the benefits, and I think the first thing that's been
23 missing from this discussion is that we already have a
24 voter identification requirement in Texas. You have to
25 currently present a voter registration card. If you



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1 don't have that card, you have to present photo
2 identification or another form of identification. So we
3 already have an identification requirement. What this
4 bill does is require additional identification
5 requirements.

6 Now, you saw -- the reason you have this
7 is to deal with the problem of voter impersonation. Yet
8 there's been no data -- you heard this over and over --
9 to support that there's any voter impersonation
10 occurring. We asked the Attorney General. We've asked
11 the Secretary of State. We've asked numerous agencies
12 to look into the problem of people presenting a false
13 registration certificate, and it just does not occur.

14 So we've got to look at the cost. The
15 front cost is on the poll workers. This is an issue
16 that hasn't come up much, and I know the committee
17 substitute talks about some parts of training, but we've
18 got to remember, we already asked them to deal with
19 electronic voting machines, we're already asking them to
20 deal with identification requirements that currently
21 exist, to deal with the bilingual provisions under the
22 Voting Rights Act, and all the other requirements that
23 we put on them under the state code. Now, we're going
24 to ask them to become a vote lawyer and start verifying
25 documentation, find out their compliance and see if



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1 they're in compliant with the list and to verify
2 numerous types of identification.

3 The other cost is with the voters, and
4 with constant -- less than 47 percent of
5 African-Americans -- this was in Milwaukee -- and
6 43 percent Hispanics had a valid driver's license, where
7 85 percent of whites did. The Rutger Study, which was
8 commissioned by the Election Assistance Commission found
9 that in places with voter ID, a 3 percent reduction
10 overall, a 5 percent reduction in voter turnout on
11 African-Americans, and a 10 percent reduction for
12 Latinos. We also see the impact on the disabled, the
13 elderly, young people who have not started driving but
14 are over the age of 18, people with the wrong address,
15 people who have not validated their driver's license.
16 So we see numerous costs on the voters.

17 Thirdly, there's a legal cost. We believe
18 there's a potential violation under Section 5 and
19 perhaps a potential violation under the poll tax. It's
20 a minimum of tens of thousands in legal costs. When we
21 looked at redistricting in the case in Arizona, the case
22 is around in the millions because of the appeal process,
23 and that could very well be an additional cost on the
24 burden of Texas taxpayers.

25 In sum, we'd like to just reflect on the



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1 comments by Royal Masset when it talks about this 1
2 percent -- 1 percent burden is another person's
3 practicality which is what the -- the essence of Royal
4 Masset's comments were, and Representative Anchia in the
5 House floor said there's no point in destroying the
6 forest to seek out Sasquatch. The problem simply
7 doesn't exist, and it's not worth the high costs. Thank
8 you.

9 CHAIRMAN DUNCAN: Thank you. Any
10 questions of Mr. Figueroa? Thank you, Mr. Figueroa.
11 George Korbel. George, can you state your name and who
12 you represent for the record, please?

13 MR. KORBEL: My name is George Korbel,
14 and -- Senator, how are you? George Korbel. I'm an
15 attorney. I have been involved in election cases I
16 think as long as -- as --

17 CHAIRMAN DUNCAN: And in elections.

18 MR. KORBEL: And in elections. I handled
19 the -- In 1971 I handled the first single member
20 district litigation against the state and the house, and
21 since then we've redistricted the house every decade in
22 litigation, and this chamber a few times and Congress a
23 few times. So -- And I think that up until recently
24 there's probably been no one who's paid more attention
25 to the process of elections and election fraud than I



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1 have, and I have not seen any of this sort of election
2 fraud that I think that this bill would get at.

3 And I'm thinking in terms of how would I
4 fraud an election if I wanted to start an election? If
5 I had 50 people to vote five times for -- 50 people in a
6 large school bus and I could get them to five polling
7 places to vote, that's 250 votes. Now, that's -- that's
8 only going to have an effect on a really small
9 jurisdiction, and in a really small jurisdiction, school
10 districts or cities, and I deal with those a lot, the
11 real small jurisdiction, they know everybody, so they
12 would never have that sort of fraud on that level. I've
13 seen some situations where people make mistakes or where
14 the -- or where county has made a mistake and put them
15 in the wrong voting precinct, and, therefore, they vote
16 in the wrong voting precinct. But I've never seen
17 somebody use somebody else's identification.

18 And let me run quickly through those
19 graphs that I gave you -- significant graph, see how it
20 goes. The first one shows the minority population of
21 Harris County and Dallas County vis-a-vis the other
22 states that are entirely covered by Section 5 of the
23 Voting Rights Act. As you can see, Harris County has as
24 many minorities as the entire state of Arizona -- or
25 excuse me -- of Georgia, and Dallas County has allegedly



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1 more minority population than Mississippi and Alabama
2 and states like that.

3 Now, if you look at the next pages, there
4 are some charts of where someone would get their voter
5 identification card or their DPS identification card.
6 If you look, first of all, at Harris County, you'll see
7 that in all of the -- if you look inside Loop 610, there
8 are no -- no places to go and get a ID card. The only
9 places that are available are in -- in the more suburban
10 areas.

11 Now, if Georgia had gone to the -- to the
12 justice department with a pattern like this showing that
13 there were virtually no places to get these cards in --
14 and if you look at it -- if you look at the rest of the
15 charts, they also show that in Tarrant County and Dallas
16 County and, also, one rural one in -- in Frio County,
17 and there's a 10-mile distance in Frio County, and then
18 there are some charts showing socioeconomic differences,
19 and the state has actually dealt with this before in
20 Senate Bill 300 back in 1976 objected to a
21 reregistration which is -- and for the requirement that
22 somebody provide a Social Security number.

23 And the last chart knows the breakdown of
24 the vote in the house. This is something the Department
25 of Justice looks at and as you can see all the



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1 minority -- virtually all the minority legislators voted
2 against this on final passage.

3 CHAIRMAN DUNCAN: Okay. I'm going to let
4 you get a breath and make your closing, if you want --
5 if you want a second to do that.

6 MR. KORBEL: I'm sorry.

7 CHAIRMAN DUNCAN: Is there anything else?
8 Take about a one second -- I just -- I interrupted you,
9 but let your get your breath and then if you could
10 conclude your testimony, I'd appreciate it.

11 MR. KORBEL: Well, I think that the point
12 that I really wanted to make initially was that Texas
13 has already gone through this. We have had a voting
14 rights objection to a requirement that the state -- the
15 state had that we present Social Security number in
16 order to register to vote. The Department of Justice
17 objected to that in 1976 or '77, if I'm not -- if I'm
18 not mistaken. And so I think that when this bill gets
19 over there that the first thing they're going to ask is
20 why are we redoing this? And there was also an
21 objection in '76 to a -- to a reregistration, and one of
22 the reasons for the objection to the reregistration was
23 the problems that Hispanics and African Americans would
24 have filling form out, and the data -- the differential
25 data of the chart show -- shows that that's continues to



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1 be an existing problem.

2 CHAIRMAN DUNCAN: Thank you, Mr. Korbel.

3 Any questions? All right. Chair hears none. Thank you
4 for your testimony, George. Eric Opiela -- Opiela?

5 Dina Perkins? Sonia Santana? And John Courage. We
6 have a four panel. This concludes the witnesses.

7 MR. OPIELA: Yes, sir. Thank you very
8 much for the opportunity to testify. My name is Eric
9 Opiela, and I'm the county chairman in Karnes County.
10 And having been both a victim of election fraud and,
11 also, an attorney who has handled election contests
12 before, I'm here testifying in support of House Bill
13 218. This is a common sense bill that protects
14 everyone's right to vote here in the state. It protects
15 against identity theft, and it is overwhelmingly
16 supported by voters not only in the state, but
17 nationwide.

18 In a national poll in late 2004,
19 82 percent of voters, including 75 percent Democrats,
20 supported using government issued photo identification
21 in the polls, and so this is not a partisan issue. This
22 is a bipartisan issue that is something that we -- we
23 require for people to have rights such as driving
24 requires a photo identification. Even for a more
25 protected constitutional right, we should require this



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1 as well. And as testified before, recommended by
2 bipartisan commission on Federal election reform,
3 co-chaired by president -- former US President Jimmy
4 Carter and US Secretary of State James Baker, and this
5 is a case where we have probably not at the very
6 beginning of cases as has been brought up of election
7 fraud that has been prosecuted in the state. However,
8 even just having one in which a person is allowed to
9 vote who is not registered to vote, who is not eligible
10 to vote, cancels out as a point you made, the rights of
11 people who are eligible to vote.

12 I know of places down in south Texas where
13 people have been bussed to the -- to the polls and voter
14 registration cards been handed out as they walk off of
15 the bus. I have -- I know of a number of cases in which
16 we've had rampant ballot by mail fraud across this
17 state, and this is a great first step, however, one of
18 the things that I think would be good would be to
19 require people who vote by mail to insert copies of --
20 of photo identification in -- in the mailing ballots as
21 well because that as acknowledged by Senator Van de
22 Putte is probably where the majority of voter fraud
23 happens in this state is in ballot by mail, and so I
24 think it would be a good thing to look to expand this.
25 A simple requirement that would guarantee that people



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1 who vote are having their -- their -- their right to
2 vote not canceled out by someone who isn't eligible to
3 vote. Thank you.

4 CHAIRMAN DUNCAN: Thank you. Members, any
5 questions?

6 SENATOR VAN DE PUTTE: I do.

7 CHAIRMAN DUNCAN: Senator Van De Putte.

8 SENATOR VAN DE PUTTE: Did I hear you
9 correctly? You said that you knew of a case where there
10 was a bus load of people that were taken and they were
11 issued -- as they got off the bus, they gave them voter
12 registration cards?

13 MR. OPIELA: Yes.

14 SENATOR VAN DE PUTTE: And what county was
15 this?

16 MR. OPIELA: That was in Duval County.

17 SENATOR VAN DE PUTTE: Was it in a recent
18 election?

19 MR. OPIELA: I believe it was in the early
20 1990s.

21 SENATOR VAN DE PUTTE: And do you know
22 that -- You said you knew of the case. Was -- Was there
23 an investigation done?

24 MR. OPIELA: I don't know whether there
25 was an investigation done. I know that just recently



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1 the new Attorney General has obtained convictions of
2 people in counties neighboring Duval County, and I know
3 maybe on one case where a lady had -- had voted for
4 someone who is -- who is dead and --

5 SENATOR VAN DE PUTTE: What --

6 MR. OPIELA: -- and the person was
7 convicted.

8 SENATOR VAN DE PUTTE: What I'm asking is
9 if you could supply us with the specifics because when
10 we have asked the Attorney General's office and when
11 we've asked the Secretary of States office, they have
12 not given us any information of complaints that were
13 made or investigation. We've asked for -- Of course,
14 there's been no convictions, but it's very alarming for
15 us to hear that you have personal knowledge of this.

16 MR. OPIELA: I didn't personally see this
17 -- I live in a county about two hours --

18 SENATOR VAN DE PUTTE: But you testified
19 to it.

20 MR. OPIELA: Yes, about two hours north --

21 SENATOR VAN DE PUTTE: But you were
22 ascertaining by your -- your testimony --

23 MR. OPIELA: Yes, and I have -- I do know
24 of it, and I will put you in touch with the gentleman
25 that --



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1 SENATOR VAN DE PUTTE: If you could
2 provide us with documentation, I think that would --

3 MR. OPIELA: I'll be more than happy to
4 try and get that to you. Thank you.

5 CHAIRMAN DUNCAN: All right. Any other
6 questions? All right. The next witness is Dina
7 Perkins.

8 MS. PERKINS: Hello. My name is Dina
9 Perkins, and I am testifying on behalf of myself. I'm a
10 graduate student at UT in special works, and I work at a
11 local nonprofit in town. We -- The majority of clients
12 that I see are zero to 50 percent of the Federal poverty
13 level. Our program assists these clients with health
14 and rent, utilities, if they've have some kind of
15 emergency where they can't pay their bills.

16 I'm concerned about this bill because most
17 of the clients that I see don't have the extra money to
18 spend to get these documents. They do well to pay their
19 bills each month, and -- and as I said, one of the
20 programs that I work in is helps with utilities, and I
21 see a lot of clients that live with several other family
22 members, so the bill is not in their name. But they're
23 still paying on these utilities, and in order to get
24 these utilities in their name, it costs a \$200 deposit,
25 and they just do not have the money to do that.



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1 So I'm -- I'm here to testify against this
2 because I think it would hurt them as vulnerable members
3 of our society. Thank you.

4 CHAIRMAN DUNCAN: Two things. One to
5 register, I think they have to have a certain sort of
6 ID, and, No. 2, as far as getting the ID under this
7 bill, it's my understanding in reading it that the State
8 of Texas will provide those IDs for no cost.

9 MS. PERKINS: Well, as I understood it,
10 there's additional like birth certificates if they don't
11 have that; is that correct?

12 CHAIRMAN DUNCAN: The -- As far as getting
13 the ID, I'm sure there's some requirement that you have
14 to have some proof, but I think there are -- there's a
15 litany of items that can be provided as proof which I
16 think is designed to capture the -- the issue of
17 opportunity to be able to get an ID --

18 MS. PERKINS: Well --

19 CHAIRMAN DUNCAN: -- to verify
20 identification.

21 MS. PERKINS: Most of my clients that I
22 work with don't really have the time to try and gather
23 all of these documents and get all of this either
24 because they're working, and they're using the bus and
25 they're picking their kids up from daycare or school or



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1 just all around it's a burden on them.

2 CHAIRMAN DUNCAN: Thank you very much.

3 Next witness is Sonia Santana.

4 MS. SANTANA: Hello, chairman and
5 senators. My name is Sonia Santana. I'm here
6 testifying today on behalf of ACLU, and we oppose HB
7 218. I want to address two points that have been
8 brought up recently, one by the gentleman that was
9 sitting here saying that even if one voted cast illegal,
10 that a -- you know, that it cancels another legal vote.
11 What about the voters that are going to have to cast
12 provisional ballots under this bill because you are
13 disenfranchising them as well.

14 In the 2004 election, and these numbers
15 are available from the SOS website, 36,000 ballots were
16 cast provisionally and only 7700 counted. That's a one
17 in five chance. Under this bill, those people that come
18 to the polls without that ID, and if we have not done
19 our job in educating them in advance, they're going to
20 have to pass a provisional ballot, and it is dependent
21 upon them to come back with that identification to
22 correct their ballot in a very short period of time, and
23 if they don't have that documentation to bring that
24 documentation back, their birth certificate or whatever
25 that they need to request, their ballot is not going to



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1 count. So, again, you have the potential of maybe one
2 voter whose ballot might not be counted versus the
3 hundreds of thousands of voters whose ballots might not
4 be counted that you are forcing to vote provisionally.

5 I also wanted to address the issue of
6 cost. You said that the state is going to provide free
7 ID. Well, that's true that is in the bill, however,
8 there's additional cost in obtaining that ID. A person
9 has to travel to the DPS office Monday through Friday.
10 Those offices are open Monday through Friday 8 to 5.
11 They may have to take off of work. They may have to
12 have a relative drive them there. They have to provide
13 copies of identification to get that ID. So it's not
14 really free to them if it requires additional cost and
15 time and additional cost in duplicating or finding these
16 documents.

17 So our position is -- is that this bill
18 goes way too far in disenfranchising potentially
19 hundreds of thousands of voters that have a legal right
20 to vote, and the people that say, well, you have to have
21 an ID to get on a plane, to rent a video, that's not
22 something people have to do to be a citizen. That's a
23 luxury. This is something that they do as a
24 constitutional right, their right to vote. Thank you.

25 CHAIRMAN DUNCAN: Thank you, Ms. Santana.



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1 Any questions? Chair hears none. Mr. Courage -- And
2 while -- before you begin, Rebecca Forest, why don't you
3 make your way up to the table as well? And go ahead,
4 Mr. Courage.

5 MR. COURAGE: Thank you, Mr. Chairman,
6 members of the committee. My name's John Courage. I'm
7 chairman of the True Courage Action Network. I'm here
8 to testify today in opposition to the substitute for
9 218. I'm talking not only as a member of this
10 organization, but also as a teacher. I've been a
11 teacher for 16 years, and I know that it is very
12 difficult oftentimes to express information to students
13 as well as to many of our citizens when it comes to
14 changes that affect their lives, changes that may happen
15 because of this bill. There are probably a lot of
16 unintended consequences that haven't been considered
17 when it comes to thinking about the new identification
18 forms that are going to be required of people when they
19 go to vote.

20 A lot of people are already intimidated
21 when they go to vote if they're first time voters, if
22 they're senior citizens, if they're new citizens going
23 through the process for the first time, and the new
24 requirements that are being put out really put, I think,
25 a lot of people at risk of deciding I'm just going to



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1 stay home because I don't know what all of the new
2 requirements are, and we can't afford to let that happen
3 in Texas.

4 I think that if we look back at the CHIPS
5 program and the unintended consequences that came from
6 the new regulations of the CHIP program, which really
7 have alienated hundreds of thousands of children in
8 Texas, what could be the repercussions of this bill
9 coming out and alienating hundreds of thousands of
10 senior citizens, minority voters and the poor. Without
11 proper education, many of these people may be
12 discouraged from going to vote. And I see no kind of --
13 no expenses put into the bill to help educate the
14 public. Certainly, we can't expect a few lines in a
15 letter from the Secretary of State to explain all of the
16 different IDs that are going to be available for people
17 to use. We don't expect everybody to even receive it.

18 What we're looking at today is a problem
19 that is going to multiply when people start trying to
20 figure out what do I need to take to vote? Where can I
21 get it, and how can I get it? I think that we need to
22 understand that we're creating a much larger program
23 that is going to cost a lot more to educate people if
24 we're going to go ahead and add this to the current laws
25 that we have today.



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1 And so as an educator, I would encourage
2 us to either put about 4 or \$5 million into the budget
3 to go ahead and educate people or to scratch it
4 completely because without understanding the
5 ramifications, you're simply suppressing the vote. A
6 lot of people will be intimidated, and they simply won't
7 show up, and I don't believe that the legacy of this
8 committee and the legacy of this legislature is to
9 alienate and disenfranchise hundreds of thousands of
10 Texas voters. Thank you.

11 CHAIRMAN DUNCAN: Thank you, Mr. Courage.
12 Any questions? All right. Rebecca Forest.

13 MS. FOREST: My name is Rebecca Forest.
14 I'm an advisory committee member of the Immigration
15 Reform Coalition of Texas. Our cosigning organizations
16 are Citizens for Immigration Reform Dallas, Texas
17 Immigration Reform Houston, Austin Townhall
18 Conservatives Reform Committee.

19 The Constitutionality guaranteed right of
20 the US citizens to vote is no longer guaranteed if the
21 citizens vote is canceled by a fraudulent vote. When
22 fraudulent votes are cast, the legitimate votes of
23 citizens are diluted. This is the response each and
24 everyone of you should --

25 CHAIRMAN DUNCAN: Let me interrupt. We'd



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1 kind of like for you to talk to us and give us your
2 written testimony because we only have --

3 MS. FOREST: I can give you the written
4 testimony.

5 CHAIRMAN DUNCAN: Sure. Tell us -- Tell
6 us what is your --

7 MS. FOREST: Okay. Basically our stance
8 is that even in Mexico, voters are required to give a
9 form of ID that is -- has a voter ID and biometric
10 identifiers. If a poor country, poorer than the United
11 States, can do that, then we would request that the same
12 policies be followed here in the United States, and,
13 also, there are other countries that require photo IDs
14 as well.

15 Well, we have to have some safeguards in
16 place to ensure that citizens are voting. That is a
17 right reserved to citizens only, and so that's our major
18 concern. There are instances especially up in the
19 northern states where middle easterners are voting
20 illegally. So it's not only in Latin American states,
21 but also along our northern borders.

22 CHAIRMAN DUNCAN: Thank you very much. We
23 listened a little better when you were talking to us
24 than when you were reading.

25 MS. FOREST: I know. You fall asleep. I



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1 have this written form, and I have a copy for each one
2 of you.

3 CHAIRMAN DUNCAN: Okay. Thank you very
4 much. Members, any questions of the witness? All
5 right. Thank you. Is there anyone else who would wish
6 to testify for, on or against House Bill 218 or the
7 proposed committee substitute? All right. The chair
8 hears none. Public testimony is closed.

9 SENATOR VAN DE PUTTE: Did we have
10 somebody here from the Secretary of State --

11 CHAIRMAN DUNCAN: We do.

12 SENATOR VAN DE PUTTE: -- or the DPS?
13 What I'd like to see is how this is going to work in
14 conjunction with Real ID or do we have the Secretary of
15 State's office --

16 CHAIRMAN DUNCAN: Ann McGeehan -- The
17 public testimony's closed, but we can invite a resource
18 witness --

19 SENATOR VAN DE PUTTE: Just resource
20 witness to ask a question.

21 CHAIRMAN DUNCAN: Ms. McGeehan?

22 MS. McGEEHAN: Hi. Ann McGeehan with the
23 Secretary of State's office.

24 SENATOR VAN DE PUTTE: My question's -- a
25 couple them. When election officials, either the



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1 precinct judges or the county officials, if they have
2 any questions or they suspect anything, is there a
3 formalized process where they can contact the Secretary
4 of State's office?

5 MS. MCGEEHAN: There are a couple of
6 processes that are provided in the election code. Any
7 citizen can submit a concern or any evidence they have
8 of a voting election code violation to the Secretary of
9 State's office.

10 SENATOR VAN DE PUTTE: So it doesn't have
11 to be -- It can be an individual citizen that can bring
12 a complaint or --

13 MS. MCGEEHAN: Yes.

14 SENATOR VAN DE PUTTE: -- if they
15 suspect -- And then what does the Secretary of State's
16 office do?

17 MS. MCGEEHAN: We review that complaint,
18 and if the complaint does allege a criminal violation of
19 any kind, then we make a referral to the Attorney
20 General's office and then they have the authority to
21 investigate and prosecute.

22 SENATOR VAN DE PUTTE: How many complaints
23 have you had about voter impersonation?

24 MS. MCGEEHAN: We have not had any. This
25 question came up when this bill was debated in the



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1 House. Nothing's been filed with our office in the last
2 four years on that issue precisely.

3 SENATOR VAN DE PUTTE: You had no
4 complaints about voter impersonation?

5 MS. MCGEEHAN: No.

6 SENATOR VAN DE PUTTE: And -- And, I
7 guess, my question is -- is the -- the Real ID Act would
8 require lots of verification for how we do driver's
9 license now, but it's not a universal ID card. In other
10 words, citizen wouldn't be required to get it. It's
11 just the -- the security of the driver's license itself,
12 and I'm not sure how that would work in conjunction with
13 this, but thank you for your testimony today.

14 SENATOR LUCIO: Mr. Chairman?

15 CHAIRMAN DUNCAN: Senator Lucio?

16 SENATOR LUCIO: Is there anything in the
17 law that requires an election judge to -- to file a
18 possibility of voter -- voter fraud? And, if so,
19 what -- what kinds of penalty would that have?

20 MS. MCGEEHAN: The -- there's -- In
21 currently the election code, you know, an election
22 judge -- they can't let a person vote who's not eligible
23 to vote, and, similarly, they can't prevent someone
24 who's eligible for voting from voting. There's no -- I
25 think the kind of process you are thinking about is if



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1 an election judge observed misconduct. There's no
2 process --

3 SENATOR LUCIO: If he or she -- If he or
4 she knows that that person pretends somebody he or she
5 is not --

6 MS. MCGEEHAN: Right.

7 SENATOR LUCIO: -- and that election judge
8 fails to document that and turn it in, is there anything
9 in the law that holds that election judge accountable
10 legally?

11 MS. MCGEEHAN: No.

12 SENATOR LUCIO: Thank you.

13 CHAIRMAN DUNCAN: Senator Ellis?

14 SENATOR ELLIS: What is the penalty under
15 current law for somebody impersonating someone else to
16 vote?

17 MS. MCGEEHAN: That would be illegal
18 voting. I'd have to look it up here. Sorry.

19 SENATOR ELLIS: That's all right. Do you
20 know? Senator Fraser, do you know?

21 MS. MCGEEHAN: It is a felony of the third
22 degree unless the person is convicted of an attempt. If
23 it's an attempt, it's a Class A misdemeanor. That's
24 64012 of the election code.

25 SENATOR ELLIS: I was just wondering how



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1 many years, if you or your colleague know. How many
2 years would you get in jail if you actually do it and
3 not attempt, but if you commit voter fraud, third degree
4 felony?

5 MS. MCGEEHAN: I'm --

6 SENATOR ELLIS: 20 years? That's all
7 right. And you are --

8 MS. MCGEEHAN: I don't --

9 SENATOR ELLIS: That's all right.

10 MS. MCGEEHAN: Let me look.

11 SENATOR ELLIS: We'll find out. It will
12 be good to know. Hopefully, it just won't be getting on
13 the floor. I want to know by then.

14 MS. MCGEEHAN: I think Elizabeth Winn
15 found it.

16 CHAIRMAN DUNCAN: Okay. Let the record
17 reflect Elizabeth Winn from the Secretary of State's
18 office is answering this question.

19 MS. WINN: Elizabeth Hanshaw Winn,
20 Secretary of State's office. We just were lucky enough
21 to have a footnote below one of the sections in the code
22 that the drafter of this book gives us, and it says in
23 there a third degree felony is imprisonment in the
24 institutional division of the TDCJ for any term of not
25 more than 10 years or less than 2 years.



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1 SENATOR ELLIS: 2 to 10.

2 MS. WINN: And then a fine, and then a
3 Class A misdemeanor, a fine not to exceed 4,000 or
4 confinement in jail for a term not to exceed one year or
5 both, such fine and confinement.

6 SENATOR ELLIS: Because usually around
7 here if there is a problem, there's a crime being
8 committed, usually folks want to enhance as opposed to
9 changing the entire voting apparatus to solve a problem
10 we haven't proven. In your office knowing this bill was
11 coming, have you all surveyed to ask about voter
12 fraud -- voter fraud -- someone impersonating someone
13 else to vote?

14 MS. WINN: We haven't done any surveys
15 like that.

16 SENATOR ELLIS: So nobody even asked you
17 all to help make that case on this bill, just -- just
18 use a resource.

19 MS. WINN: Correct.

20 SENATOR ELLIS: Okay. Senator --

21 CHAIRMAN DUNCAN: (Inaudible).

22 SENATOR ELLIS: No. But that's why they
23 do the survey. Usually somebody's trying to slip
24 something through here, to go get somebody in the state
25 government to go out and get do a survey.



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1 SENATOR FRASER: I don't think you want to
2 call this a slip.

3 SENATOR ELLIS: I hope my (audible) come
4 see the light of day as they are just a slip -- a slip
5 or somebody drop off.

6 CHAIRMAN DUNCAN: Well, that's what the
7 process is all about. You got the votes. You got --

8 SENATOR ELLIS: Third degree felony, 2 or
9 10 years, up to \$10,000, maximum probation, 10 years.

10 Do you have -- In your office have you all
11 discussed any policy initiatives to try and deal with
12 this perceived problem that's going on out there that
13 nobody has reported? Are there other ways we could do
14 this? More resources, more precinct judges so they
15 could start hunts to go look for voter fraud? I mean,
16 short of this bill, any other ideas of people just
17 typing up this bill and that's it?

18 MS. McGEEHAN: The focus of our office the
19 last couple of years have been the Help American Vote
20 Act and some of the changes that have been associated
21 with that. So depending on what comes out of session,
22 we may have to change our focus to that.

23 SENATOR ELLIS: So you all have been
24 focusing on helping Americans to vote, not keeping them
25 from voting. I see. Okay. Thank you.



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1 CHAIRMAN DUNCAN: All right. Is there any
2 other question -- Are there any other questions? Okay.
3 Members, this bill will be left pending until -- we're
4 going to try to take a vote on this later today,
5 probably later after session. So we'll move this to
6 after session today.

7 All right. Public testimony is closed.

8 The bill will be left pending until after session today.

9 (End of audio transcription.)

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3 STATE OF TEXAS)

4

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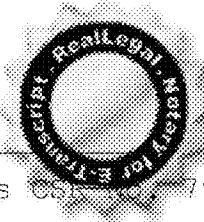
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April 30, 2007

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